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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,963	09/29/2003	Guntram Scheible	Mp.-Nr.99/616 D	3941
24131	7590	05/11/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CHANG, SUNRAY	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 05/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,963

Applicant(s)

SCHEIBLE ET AL.

Examiner

Sunray Chang

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in responsive to the paper filed on April 26th, 2005.
2. Claims 1 – 6 are presented for examination.
Claims 1 – 6 are rejected.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

The term, “said fuel cell”, has not been previously cited; it’s been interpreted as “integrated fuel micro cell” hereinafter.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1 – 6 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Yasuhiro Nonobe (U.S. Patent No. **6,158,537**, and referred to as **Nonobe** hereinafter), and in view of Craig Brent Chambers (U.S. Patent No. 5,867,485 and referred to as **Chambers** hereinafter).

(**Nonobe** as set forth above generally discloses the basic inventions.)

5. **Regarding independent claim 1,**

Nonobe teaches,

- In a machine having a process computer, a control system. [Col. 10, Lines 14 – 29]
- a central transmitting device connected to the process computer; a central receiving device connected to the process computer; [Col. 10, Lines 14 – 29]
- a plurality of controllers including at least one of the group consisting of sensors; [Col. 10, Lines 14 – 29] and
- said controllers each having:
 - a transmitting device communicating with said central receiving device; a receiving device communicating with said central transmitting device; [Col. 10, Lines 14 – 29]
 - an integrated fuel tank for storing fuel; [Fig. 3, and Col. 7, Line 23] and
 - an integrated micro fuel cell associated with said fuel tank, said integrated micro fuel cell [fuel cells, Fig. 1 and 3] converting stored fuel into electric power and supplying the electric power to a respective one of said controllers [see Col. 8, Lines 29 – 36]. [Fig. 3, and Col. 7, Line 16 – Col. 8, Line 46]

Nonobe does not teach radio signals.

Chambers teaches radio signals, [Col. 1, Lines 51 – 61] for the purpose of replacing of that cable with wireless communication.

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Nonobe** to include "radio signals", for the purpose of replacing cable with wireless communication.

6. **Regarding dependent claim 3,**

Nonobe teaches,

- said transmitting device and said receiving device is a combination transmitting and receiving device. [Col. 10, Lines 30 – 35, item 58, Fig. 1]

7. **Regarding dependent claim 4,**

Nonobe teaches,

- said central transmitting device and said central receiving device is a combination transmitting and receiving device. [item 58, Fig. 1, and Col. 10, Lines 30 – 35]

8. **Regarding dependent claim 5,**

Nonobe teaches,

- the fuel is methanol. [Col. 7, Line 23]

9. **Regarding dependent claim 6,**

Nonobe teaches,

- an electric energy store connected to said fuel cell. [30, Fig. 1, and Col. 8, Lines 34 - 46]

10. **Claim 2 is rejected** under 35 U.S.C. 103(a) as being unpatentable over **Nonobe**, in view of **Chambers**, further in view of Koichi Sakamoto (JP 363024351A and referred to as **Sakamoto** hereinafter).

11. **Regarding dependent claim 2,**

Nonobe teaches,

- In a machine having a process computer, a control system. [Col. 10, Lines 14 – 29]

Nonobe does not teach an automatic production machine.

Chambers teaches radio signals, [Col. 1, Lines 51 – 61] for the purpose of replacing of that cable with wireless communication.

Sakamoto teaches an automatic production machine [Abstract], for the purpose of making centralized control of conditions [Abstract].

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Nonobe** to include "an automatic production machine" for the purpose of making centralized control of conditions [Abstract].

Response to Amendment

Claim Objections

12. Applicants' amendment overcome the claim objection; Objection has been withdrawn.

Claim Rejections - 35 USC § 102

13. The rejections based on reference Knoblach et al. (U.S. Patent No. 6,628,941) have been withdrawn.


Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office


Anthony Knight
Supervisory Patent Examiner
Group 3600

May 6, 2005